

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROYAL PALM SENIOR INVESTORS, LLC and
GUY T. MITCHELL,

Plaintiffs,

-against-

CARBON CAPITAL II, INC.,

Defendant.

08 Civ. 4319

**NOTICE OF DISMISSAL
WITHOUT PREJUDICE
PURSUANT TO FED. R.
CIV. P. 41(a)(1) OF THE
CLAIMS OF ROYAL PALM
SENIOR INVESTORS, LLC**

PLEASE TAKE NOTICE that, pursuant to Federal Rule of Civil Procedure 41(a)(1), plaintiff Royal Palm Senior Investors, LLC. ("Royal Palm") hereby dismisses its claims in the above-entitled action, without prejudice, against defendant Carbon Capital II, Inc. ("Carbon Capital") who has neither answered nor moved for summary judgment in this action. Each party shall bear its own attorneys' fees and costs.

PLEASE TAKE FURTHER NOTICE that none of the Claims for Relief asserted by plaintiff Guy T. Mitchell herein are dismissed, and they remain pending against Defendant Carbon Capital.

Dated: New York, New York
May 13, 2008

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By: 

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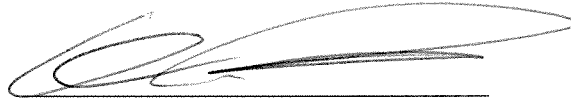
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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I, Anthony D. Boccanfuso, the undersigned attorney at law duly admitted to practice in the State of New York, respectfully show that on the 13th day of May, 2008, the annexed **NOTICE OF DISMISSAL WITHOUT PREJUDICE PURSUANT TO FED. R. CIV. P 41(a)(1) OF THE CLAIMS OF ROYAL PALM SENIOR INVESTORS, LLC** was served by first-class mail delivery upon:

Carbon Capital II, Inc.
40 East 52nd Street
New York, New York 10022

A handwritten signature in black ink, appearing to read 'Anthony D. Boccanfuso', written over a horizontal line.

Anthony D. Boccanfuso